

Exhibit D

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
JOHN DOE (A PSEUDONYM) and MARY DOE
(A PSEUDONYM),

Plaintiff,

- against -

YAAKOV DAVID KLAR, YESHIVA TZION
YOSEF AND CHAI LIFELINE, INC., CHEDER
CHABAD OF MONSEY, YESHIVTH KEHILATH
YAKOV OF MONSEY a/k/a YESHIVA
KEHILATH YAKOV, INC.,

Defendants.
-----X

Index No.: 951468/2021

**DEFENDANTS YESHIVA TZION
YOSEF PUPA, INC., CHEDER
CHABAD OF MONSEY, AND
YESHIVTH KEHILATH YAKOV OF
MONSEY'S AFFIRMATION IN
OPPOSITION TO PLAINTIFFS'
MOTION FOR A DIRECTED
JUDGMENT**

JAMES G. FLYNN, an attorney admitted to the practice of law before the Courts of the State of New York, and not a party to the above-captioned action, affirms the following to be true under the penalties of perjury pursuant to CPLR 2106:

1. I am an associate at Scahill Law Group, P.C., counsel for defendants, Yeshiva Tzion Yosef Pupa, Inc. s/h/a Yeshiva Tzion Yosef (the "Yeshiva"), Cheder Chabad of Monsey ("Cheder"), and Yeshivth Kehilath Yakov of Monsey (collectively, the "Yeshiva Defendants"), in the within action. As such, and based on my review of the litigation file maintained by my firm, I am fully familiar with the matters set forth below.
2. I submit this affirmation (a) in opposition to the motion of plaintiffs for a directed judgment on the amount of coverage that Defendant CHAI LIFELINE, INC. had under the Markel, Evanston Insurance Company Policy" (the "Motion") and (b) in support of the opposition of co-defendant, Chai Lifeline, Inc. ("Chai") to the Motion.

3. This action filed under New York's Child Victim Act ("CVA") involves the alleged sexual abuse of plaintiff, "John Doe," a minor, by David Klar, a former Chai employee.

4. Non-party, Markel, Evanston Insurance Company ("Markel"), is allegedly Chai's liability insurer. Markel is not named as a defendant in this action.

5. Plaintiffs' motion should be denied for at least two reasons. First, the issue of insurance coverage is not raised in the underlying suit or raised in the Complaint. Second, plaintiffs lack standing to demand to direct the payment decisions of a non-party insurance Company.

6. In addition, the Yeshiva Defendants agree with and adopt the arguments set forth by co-defendant Chai in the Affirmation of Mara Goltsman, Esq., in Opposition, dated November 7, 2024 (NYSCEF Doc. No. 44).

WHEREFORE, the Yeshiva Defendants respectfully request that the Court deny the Motion in full.

Dated: Bethpage, New York
November 8, 2024



JAMES G. FLYNN

Via: NYSCEF to all Parties

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
INDEX NO. 951468/2021

JOHN DOE (A PSEUDONYM) and MARY DOE (A PSEUDONYM),

Plaintiffs,

- against -

YAAKOV DAVID KLAR, YESHIVA TZION YOSEF AND CHAI LIFELINE, INC., CHEDER
CHABAD OF MONSEY, YESHIVTH KEHILATH YAKOV OF MONSEY a/k/a YESHIVA
KEHILATH YAKOV, INC.,

Defendants.

**AFFIRMATION IN OPPOSITION TO
PLAINTIFFS' MOTION FOR A DIRECTED JUDGMENT**

SCAHILL LAW GROUP P.C.

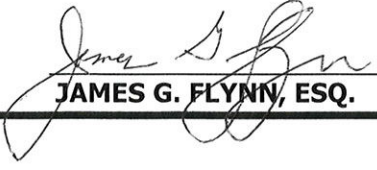
Attorneys for Defendants

YESHIVA TZION YOSEF PUPA, INC. s/h/a Yeshiva Tzion Yosef,
CHEDER CHABAD OF MONSEY, and YESHIVTH KEHILATH YAKOV OF MONSEY
1065 Stewart Avenue, Suite 210
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(516) 294-5200

ATTORNEY CERTIFICATION

Pursuant to 22 NYCRR §130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that upon information and belief and responsible inquiry, the contentions contained in the annexed documents are not frivolous.

Dated: November 8, 2024


JAMES G. FLYNN, ESQ.

Please take notice

☐ Notice of entry

that the within is a (*certified*) true copy of a _____ duly entered in the office of the clerk of the within named court on _____

☐ Notice of Settlement

that an order ^ of which the within is a true copy will be presented for _____ settlement to the HON. _____ one of the judges of the within named court, at _____ on _____

Dated: Bethpage, New York

Yours, etc.

SCAHILL LAW GROUP P.C.

Attorneys for Defendants

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Yeshivth Kehilath Yakov of Monsey
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To: All Parties